

## SENATE AMENDMENTS TO B-ENGROSSED HOUSE BILL 2873

By COMMITTEE ON FINANCE AND REVENUE

June 19

1 On page 1 of the printed B-engrossed bill, line 2, delete “amending ORS 238.380 and 238.385”  
2 and insert “creating new provisions; amending ORS 238.082, 238.380 and 238.385; repealing section  
3 7, chapter \_\_\_\_\_, Oregon Laws 2009 (Enrolled Senate Bill 112)”.

4 On page 5, after line 31, insert:

5 “**SECTION 3.** If Senate Bill 112 becomes law, ORS 238.082, as amended by section 1, chapter  
6 \_\_\_\_\_, Oregon Laws 2009 (Enrolled Senate Bill 112), is amended to read:

7 “238.082. (1) Subject to the limitations in subsection (2) of this section, any public employer may  
8 employ any person receiving a service retirement allowance if the administrative head of such em-  
9 ployer is satisfied that such employment is in the public interest.

10 “(2) The period or periods of employment by one or more public employers of any person re-  
11 ceiving a service retirement allowance may not total 1,040 hours or more in any calendar year; but  
12 if the person is receiving old-age, survivors or disability insurance benefits under the federal Social  
13 Security Act, the person may be employed for the number of hours for which the salary equals the  
14 maximum allowed for receipt of the full amount of those benefits to which the person is entitled.

15 “(3) The limitations on employment imposed by subsection (2) of this section do not apply to a  
16 retired member who is employed as a teacher or as an administrator, as those terms are defined in  
17 ORS 342.120, if the retired member is employed by a school district or community college district  
18 located within a county with a population of not more than 35,000 inhabitants according to the lat-  
19 est federal decennial census, or is employed by an education service district and the retired mem-  
20 ber’s primary work duties are performed in a county with a population of not more than 35,000  
21 inhabitants according to the latest federal decennial census. A retired member who is employed  
22 under this subsection as a teacher, as defined in ORS 342.120, by the same public employer that  
23 employed the member at the time of retirement remains in the same collective bargaining unit that  
24 included the member before retirement.

25 “(4) The limitations on employment imposed by subsection (2) of this section do not apply to a  
26 retired member who is employed:

27 “(a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to  
28 the latest federal decennial census;

29 “(b) By the municipal police department of a city with a population of fewer than 15,000 inhab-  
30 itants, according to the latest federal decennial census;

31 “(c) By the state or a county for work in a correctional institution located in a county with a  
32 population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

33 “(d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service  
34 District or the Sunriver Service District;

35 “(e) By the Oregon State Police for work in a county with a population of fewer than 75,000

1 inhabitants, according to the latest federal decennial census; or

2 “(f) As a deputy director or assistant director of the Department of Human Services, if the  
3 Governor approves the exemption for the person from the limitations on employment imposed in  
4 subsection (2) of this section.

5 “(5) The limitations on employment imposed by subsection (2) of this section do not apply to a  
6 retired member who is employed to temporarily replace an employee who serves in the National  
7 Guard or in a reserve component of the Armed Forces of the United States and who is called to  
8 federal active duty.

9 “(6) The limitations on employment imposed by subsection (2) of this section do not apply to a  
10 retired member who is employed by a road assessment district organized under ORS 371.405 to  
11 371.535.

12 “(7) The limitations on employment imposed by subsection (2) of this section do not apply to a  
13 retired member who is a nurse and is employed by a public employer as a nurse or for the purpose  
14 of teaching nursing during the period in which a nursing workforce shortage declared by the Leg-  
15 islative Assembly or the Governor is in effect.

16 “(8)(a) Except as provided in paragraph (b) of this subsection, subsections (3) to (7) of this sec-  
17 tion do not apply to any member who retires under the provisions of ORS 238.280 (1), (2) or (3).

18 “(b) Subsection (3) of this section applies to a person who retires under the provisions of ORS  
19 238.280 (1) or (3) as long as the person’s date of retirement is more than six months before the date  
20 the person is employed under subsection (3) of this section.

21 “(9) Employment under this section does not affect the status of a person as a retired member  
22 of the system and a recipient of retirement benefits under this chapter.

23 “(10) Hours worked by a person employed under subsections [(4) to (8)] (3) to (7) of this section  
24 shall not be counted for the purpose of the limitations on employment imposed by subsection (2) of  
25 this section.

26 **“SECTION 4. The amendments to ORS 238.082 by section 3 of this 2009 Act apply to all  
27 hours of work or service by a retired member of the Public Employees Retirement System  
28 performed on or after January 1, 2004.**

29 **“SECTION 5. If Senate Bill 112 becomes law, section 7, chapter \_\_\_\_\_, Oregon Laws 2009  
30 (Enrolled Senate Bill 112) (amending ORS 238.082), is repealed and ORS 238.082, as amended  
31 by section 1, chapter \_\_\_\_\_, Oregon Laws 2009 (Enrolled Senate Bill 112), and section 3 of this  
32 2009 Act, is amended to read:**

33 “238.082. (1) Subject to the limitations in [subsection (2) of] this section, any public employer  
34 may employ any [person receiving a service retirement allowance] **member who is retired for ser-**  
35 **vice** if the administrative head of [such] **the public** employer is satisfied that such employment is  
36 in the public interest.

37 “[*(2) The period or periods of employment by one or more public employers of any person receiving  
38 a service retirement allowance may not total 1,040 hours or more in any calendar year; but if the per-  
39 son is receiving old-age, survivors or disability insurance benefits under the federal Social Security  
40 Act, the person may be employed for the number of hours for which the salary equals the maximum  
41 allowed for receipt of the full amount of those benefits to which the person is entitled.*]

42 **“(2) Except as provided in this section, the period or periods of employment by one or  
43 more public employers of a retired member who is reemployed under this section may not  
44 total 1,040 hours or more in any calendar year.**

45 **“(3) A retired member who is receiving old-age, survivors or disability insurance benefits**

1 **under the federal Social Security Act may be employed under this section for the number**  
2 **of hours permitted by subsection (2) of this section, or for the number of hours for which**  
3 **the salary equals the maximum allowed for receipt of the full amount of those benefits to**  
4 **which the person is entitled, whichever is greater.**

5 “[3] (4) **Except as provided in subsection (9) of this section,** the limitations on employment  
6 imposed by [subsection (2)] **subsections (2) and (3)** of this section do not apply to a retired member  
7 who is employed as a teacher or as an administrator, as those terms are defined in ORS 342.120, if  
8 the retired member is employed by a school district or community college district located within a  
9 county with a population of not more than 35,000 inhabitants according to the latest federal  
10 decennial census, or is employed by an education service district and the retired member’s primary  
11 work duties are performed in a county with a population of not more than 35,000 inhabitants ac-  
12 cording to the latest federal decennial census. A retired member who is employed under this sub-  
13 section as a teacher, as defined in ORS 342.120, by the same public employer that employed the  
14 member at the time of retirement remains in the same collective bargaining unit that included the  
15 member before retirement.

16 “[4] (5) **Except as provided in subsection (9) of this section,** the limitations on employment  
17 imposed by [subsection (2)] **subsections (2) and (3)** of this section do not apply to a retired member  
18 who is employed:

19 “(a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to  
20 the latest federal decennial census;

21 “(b) By the municipal police department of a city with a population of fewer than 15,000 inhab-  
22 itants, according to the latest federal decennial census;

23 “(c) By the state or a county for work in a correctional institution located in a county with a  
24 population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

25 “(d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service  
26 District or the Sunriver Service District;

27 “(e) By the Oregon State Police for work in a county with a population of fewer than 75,000  
28 inhabitants, according to the latest federal decennial census; or

29 “(f) As a deputy director or assistant director of the Department of Human Services, if the  
30 Governor approves the exemption for the person from the limitations on employment imposed in  
31 [subsection (2)] **subsections (2) and (3)** of this section.

32 “[5] (6) **Except as provided in subsection (9) of this section,** the limitations on employment  
33 imposed by [subsection (2)] **subsections (2) and (3)** of this section do not apply to a retired member  
34 who is employed to temporarily replace an employee who serves in the National Guard or in a re-  
35 serve component of the Armed Forces of the United States and who is called to federal active duty.

36 “[6] (7) **Except as provided in subsection (9) of this section,** the limitations on employment  
37 imposed by [subsection (2)] **subsections (2) and (3)** of this section do not apply to a retired member  
38 who is employed by a road assessment district organized under ORS 371.405 to 371.535.

39 “[7] (8) **Except as provided in subsection (9) of this section,** the limitations on employment  
40 imposed by [subsection (2)] **subsections (2) and (3)** of this section do not apply to a retired member  
41 who is a nurse and is employed by a public employer as a nurse or for the purpose of teaching  
42 nursing during the period in which a nursing workforce shortage declared by the Legislative As-  
43 sembly or the Governor is in effect.

44 “[8(a)] (9)(a) **Except as provided in paragraph (b) of this subsection, subsections [(3) to (7)] (4)**  
45 **to (8)** of this section do not apply to any member who retires under the provisions of ORS 238.280

1 (1), (2) or (3).

2 “(b) Subsection [(3)] (4) of this section applies to a person who retires under the provisions of  
3 ORS 238.280 (1), (2) or (3) as long as the person’s date of retirement is more than six months before  
4 the date the person is employed under subsection [(3)] (4) of this section.

5 “[9] (10) Employment under this section does not affect the status of a person as a retired  
6 member of the system and a recipient of retirement benefits under this chapter.

7 “[10] (11) Hours worked by a person employed under subsections [(3) to (7)] (4) to (8) of this  
8 section shall not be counted for the purpose of the limitations on employment imposed by sub-  
9 sections (2) and (3) of this section.

10 **“SECTION 6. (1) The amendments to ORS 238.082 by section 5 of this 2009 Act become  
11 operative January 1, 2010.**

12 **“(2) The amendments to 238.082 by section 5 of this 2009 Act apply to any retired member  
13 of the Public Employees Retirement System who is employed by a participating public em-  
14 ployer before January 1, 2010, and who is an employee of the employer on January 1, 2010,  
15 and to any retired member who is employed by a participating public employer on or after  
16 January 1, 2010.”.**

17 In line 32, delete “3” and insert “7”.  
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